

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ECKO COMPLEX, LLC d/b/a ECKO	:	
UNLIMITED,	:	
	:	
Plaintiff,	:	Civil Action No. 09-6472 (SDW)
	:	
v.	:	
	:	ORDER
MIRACLE LOGISTICS, INC.,	:	
	:	
Defendant.	:	February 16, 2011
	:	
	:	

ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Madeline Cox Arleo (“Magistrate Judge Arleo”), filed on January 18, 2011. In the R&R, Magistrate Judge Arleo incorporates the reasons set forth on the record in the January 18, 2011 oral argument before her Honor. No objections have been filed to the R&R.

The Court has reviewed the R&R and the other documents on file in this matter. Based on the foregoing, and for good cause shown,

It is hereby **ORDERED** that the R&R of Magistrate Judge Arleo, filed January 18, 2011, incorporating the reasons set forth on the record on January 18, 2011, is **ADOPTED** as the conclusions of law of this Court.

Defendant Miracle Logistics, Inc.’s (“Defendant”) motion to dismiss based on improper

venue is **DENIED**; and it is

ORDERED that pursuant to 28 U.S.C. § 1406(a), this action be transferred to the United States District Court for the Southern District of Florida; and it is further

ORDERED that Defendant's motion to dismissed based on a "shotgun" pleading and motion to dismiss the negligence claim (Count II) of the amended complaint, be **DISMISSED WITHOUT PREJUDICE** and that Defendant be allowed to re-file these two motions with the transferee court in the Southern District of Florida.

SO ORDERED.

s/Susan D. Wigenton, U.S.D.J.

Orig: Clerk
cc: Judge Arleo
Parties